

Appln. No. 09/847,843  
Amendment dated September 13, 2006  
Reply to Office Action of June 14, 2006

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The June 14, 2006 Final Office Action and the Examiner's comments have been carefully considered. In response, claims are amended and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

Inasmuch as the present amendment raises no new issues for consideration, and, in any event, places the present application in condition for allowance or in better condition for consideration on appeal, its entry under the provisions of 37 CFR 1.116 is respectfully requested.

REJECTION UNDER 35 USC 112

In the Office Action, claim 13 is rejected under the second paragraph of 35 USC 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, claim 13 is amended to more clearly comply with the requirements of 35 USC 112, and to place the claim in better form for consideration by the Examiner.

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#### PRIOR ART REJECTIONS

In the Office Action, claims 4, 5, 7-9, 11-13 and 15 are rejected under 35 USC 102(b) as being anticipated by USP 5,669,040 (Hisatake). Claims 6, 10 and 14 are rejected under 35 USC 103(a) as being unpatentable over Hisatake, and further in view of USP 4,673,282 (Sogame).

In response, Applicant respectfully states that independent claims 4, 8 and 12, and the claims which are dependent thereon, are patentable over the cited references.

In the present claimed invention, the controller is configured to hold the document size designated for the document on the document table, and refer to the held document size to resume the read size, which is specified to read the image of the document on the document table and is cancelled to read the image of the document fed by the document feeder. Thus, it is unnecessary that the user manually operates the user interface to designate again the document size for the document on the document table. Accordingly, the requirements on the user for interaction with the device are reduced.

In rejecting independent claims 4, 8 and 12, the Examiner regards an operation and display section 53 and control section 52, respectively shown in Figs. 8 and 19 and in Fig. 19 of Hisatake, as the user interface and controller of the present

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invention, and cited the related descriptions of Hisatake (i.e., column 21, lines 50-56; column 12, lines 54-64; and column 13, lines 1-7).

In column 21, lines 50-57, steps for reading an image of a document are described. In column 12, lines 54-64, the operation and display section 53 is described as displaying a job list including jobs, each of which is selectable to confirm the setup contents thereof. In column 13 lines 1-7, a manual operation for changing the job selection is disclosed.

Hisatake is not directed toward preventing an image from being read in a wrong read size in a situation where automatic detection for the size of a document on a document table fails. Thus, Hisatake is silent about manual operation of a user interface to designate the document size. Referring to column 21, lines 50-56, the operation and display section 53 is not used to designate any document size for the document on the document table. Referring to column 21, lines 50-56 and column 13, lines 1-7, no document size is designated for the document on the document table in a state where a cover is closed. As shown in Fig. 11, setup contents of each job are registered in a job management table, for example. This table includes an item "SHEET" representing the size of recording sheets, but does not include any item representing the size of a document.

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Accordingly, it is apparent that the control section 52 is not configured to store any document size.

In execution of a copy function, even if a read size is specified based on the size of the recording sheets and magnification to read an image of the document on the document table, this read size should be automatically invalid or cancelled when another document fed by a document feeder M2 is read. The control section 53 however, requires manual operation of the operation and display section 53 to resume or recover the cancelled read size.

According to the present claimed invention, a first user designates a document size for a document on a document table in a state where the cover is closed. A second user may instruct reading of an image of another document fed by the document feeder M2 prior to the image of the document on the document table. If the cover is kept closed even after reading of the image of the other document, the first user does not need to designate the document size again to complete the reading of the image of the document on the document table. This feature is not changed even if the first user is identical to the second user.

In contrast, in Hisatake, the requirements on the user for interaction with the device are not reduced since at least manual

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operation of the user interface is required to change the job selection.

That is, the present claimed invention as defined by claim 4 is patentable over the cited references because the references do not disclose, teach or suggest a document reading device wherein the controller is configured to store the document size designated for a document placed on the document table in a state where the cover is closed, and to refer to the stored document size as the read size of the document placed on the document table, even when the reading of the document on the document table is interrupted by reading an image of a document fed by the document feeder (see claim 4, lines 16-22).

None of the other references of record close the gap between the present claimed invention as defined by claim 4 and Hisatake. Therefore, claim 4 is patentable over all of the references of record under 35 USC 102 as well as 35 USC 103.

Claims 5-7 are either directly or indirectly dependent on claim 4 and are patentable over the cited references in view of their dependence on claim 4 and because the references do not disclose, teach or suggest each of the limitations set forth in claims 5-7.

Claims 8 and 12 are patentable for reasons, inter alia, set forth above in connection with claim 4.

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Claims 9-11 and 13-15 are dependent on claims 8 and 12 respectively, and are patentable over the cited references in view of their dependence on claims 8 or 12 and because the references do not disclose, teach or suggest each of the limitations set forth in claims 9-11 and 13-15.

In view of all of the foregoing, claims 4-15 are in form for immediate allowance, which action is earnestly solicited.

\* \* \* \* \*

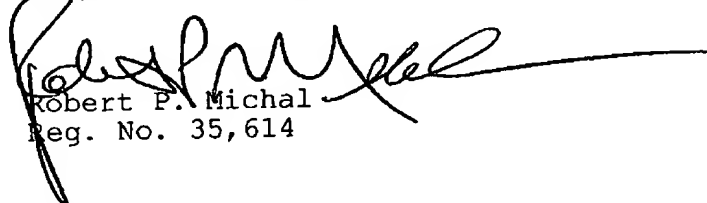
Entry of this Amendment under the provisions of 37 CFR 1.116, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

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If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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